

**Lister Avenue Brownfield Demonstration Area  
Steering Committee  
September 8, 2005 1:00pm  
Minutes**

Amelia Rideau, Acting Chair, called the Meeting to order at 1:00 pm on September 8, 2005, at the Newark Office of the Urban Enterprise Zone, 50 Park Place, Suite 820, Newark, New Jersey 07102.

**Steering Committee Representatives Present:**

Christopher Thogmartin.....	Newark Law Department
Joseph Della Fave.....	Ironbound Community Corporation
Stephen Kehayes.....	NJDEP
Fred Ellerbusen.....	NJIT
Rick McNutt.....	Tierra Solutions
Dick Weaver.....	Sherwin-Williams
Gordon Kuntz.....	Sherwin-Williams
Sally Jones.....	Weston Solutions
Cary Begun.....	Tierra Solutions
Eli Brill.....	SC Holdings, Inc.
Albert Telsey.....	Ironbound Business Group
Jim Mack.....	NJIT
Elizabeth Butler.....	EPA
Joel Freiser (Conference Call).....	Newark UEZ
Amelia Rideau.....	Newark UEZ

**1. Morris Companies' Presentation**

The Morris Companies would like to acquire all of the properties in the LABDA in order to build Portfield buildings totaling 500,000 square feet. They expressed that they have acquired an expertise in the area of Brownfield redevelopment, especially along the port because of a number of similar projects throughout the state.

The Morris Companies would like to swap property with Benjamin Moore and CWM, essentially trading the placement of Benjamin Moore's parking lot in order to build two buildings on the site.

They are currently in the process of acquiring the Fairmont property. The Morris Companies is willing to pick –up the pieces of LABDA piece by piece. Joel expressed a concern with the Morris Companies “cherry-picking” the best sites.

The Morris Companies suggested that they might entertain a long-term lease operation, although this is not likely. They are willing to take the property, but with no long-term liability (maybe some above water – but that would have to be determined by the deal).

Joel suggested that we draft a Memorandum of Understanding to allow Morris Companies to advance on a more specific level.

Richard McNutt expressed some concern with the Diamond Alkali Site in that the site has to both be cleared through DEP and EPA and could the Morris Companies do both. They expressed that they have worked with EPA in the past, and that they do not think that it would be a problem, although the site that they worked on was an adjacent site.

The Morris Companies expressed that the ball is now in our corner, they would like to buy the properties, the question remains whether we are ready to sell. The Morris Companies were then excused for the rest of the meeting.

## **2. Groundwater Subcommittee Report/NJDEP Update**

Stephen Kehayes mention that he will have the groundwater answers in one month. He is currently working on the Sherwin Williams site. Weston has submitted paperwork for their site, and is waiting for DEP's response.

## **3. Portfields Initiative**

A representative from the Portfields was invited to the meeting. They unfortunately left before a presentation could be made. The City will invite them to the next LABDA Steering Committee Meeting.

## **4. Planning Subcommittee Report**

Sally Jones suggested that we again hold off the decision to hire a planner until we know the condition of the properties according to DEP. The committee concurred.

Additionally there were concerns that we may not need to hire a consultant especially if they are simply going to tell us the best use of the property is big boxes, which is a plan already developed by the Morris Companies.

## **5. Additional Concerns**

Sally Jones stated that we need to get in touch with the owner of Drum Services – they may be more willing to participate in the program because we are now having a conversation about selling. Elizabeth Butler mentioned that EPA did have the contact information for the owner and that we could possibly reach out to them.

Stephen Kehayes mention that there is a Continuing Education Class on BDA's and that he would like property owners to attend. The Continuing Education Class will take place at Rutgers – Cook College on November 15<sup>th</sup>. For those Representatives who are willing to participate, they will present their perspective on LABDA. Stephen Kehayes would like private property owners, the City of Newark, and Community Organizations to attend if they are available. He will send around an e-mail with more detailed information about the event.

Sally Jones stated that the Memorandum of Understanding expires in December. Joel Freiser will draft an amendment for all to sign to extend the MOU.

The Morris Companies seemed to cut out a lot of the preliminary steps. It would be nice if there were three developers – should we be looking at additional proposals?

Is the end use one that the community would embrace? Joe Della Fave mentioned that anything would be better than what is currently there. He would like to ensure that the level of pollution and traffic stay under control, or comparable to what it is now. There is an expectation that the development would be industrial.

Della Fave would like to try and get something off-site as part of the deal. There are bulkhead issues with this property when attempting to make it a walkway. At some point the walkway loses its value if it leads straight into industrial. An off-site property could be used for open space.

Joseph Della Fave mentioned the redevelopment and rehabilitation resolutions recently passed by the Municipal council and their possible impact on the marketability of the property's. Amelia will look them up and report back any possible impact on the LABDA.

Al Telsey suggested that all the property owners, and community stake-holders write a Memorandum stating we have an intent to sell, and focus on all of the things that we want. This includes incorporating deal for soils (even if there is no deep water) conditions will change of title, etc. The memo should state, "I would sign if...".

The next meeting will be held at the Newark Office of the Urban Enterprise Zone on Tuesday November 1st at 1:00pm.

The meeting adjourned at approximately 3:30pm.

Respectfully Submitted,

By: Amelia Rideau